

CITY OF MOUNTAIN VIEW
RESOLUTION NO. 18337
SERIES 2019

A RESOLUTION AMENDING THE P-40 (SAN ANTONIO) PRECISE PLAN
TO PROHIBIT CANNABIS BUSINESSES WITHIN THE
SAN ANTONIO PRECISE PLAN BOUNDARIES

WHEREAS, Chapter 36 in the Mountain View City Code sets forth a procedure whereby the City can adopt Precise Plan Amendments; and

WHEREAS, said Chapter 36 of the Mountain View City Code requires that both the City's Environmental Planning Commission and City Council hold a duly noticed public hearing before the Precise Plan Amendments are adopted; and

WHEREAS, on April 24, 2019, the Environmental Planning Commission held a duly noticed public hearing and thereafter forwarded its recommendation to the City Council to adopt the Precise Plan Amendments; and

WHEREAS, on May 23, 2019, having given notice as required by Chapter 36 of the Mountain View City Code, the City Council held a public hearing to consider the Precise Plan Amendments;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mountain View that:

1. The findings required for adoption of the San Antonio Precise Plan Amendments, contained in Section 36.50.95 of the Mountain View City Code, have been made as follows:

a. The proposed Precise Plan Amendments are consistent with the General Plan because allowing cannabis businesses in certain Precise Plans, while prohibiting them in other areas in which a new public school will be located, furthers the goals of maintaining neighborhoods that preserve and enhance the quality of life for residents (Goal LUD-6), and pursuing cooperation between the City and local school districts to meet shared open space, recreation, and education needs (Goal POS-5), and ensuring school facilities are constructed to serve community needs (POS 5.3); and

b. The areas covered by the Precise Plan Amendments are within the Planned Community (PC) Districts as the amendments are to the text of existing precise plans; and

c. The proposed Precise Plan Amendments will not be detrimental to the public interest, health, safety, convenience, or welfare because a new public school will be locating in the San Antonio Precise Plan area and best practice encourages separation between cannabis uses and school uses; and

d. The proposed Precise Plan Amendments promote development of desirable character, harmonious with existing and proposed development in the surrounding area, as cannabis businesses are not compatible with school uses proposed in the area, and the proposed amendments will prohibit cannabis businesses in the San Antonio Precise Plan; and

e. The prohibition of cannabis business land uses in the San Antonio Precise Plan can only be addressed through approval of the proposed Precise Plan Amendments because the proposed land use changes are specific to the San Antonio Precise Plan; and

f. The proposed Precise Plan Amendments are exempt from the California Environmental Quality Act (CEQA) per Section 26055(h) of the Business and Professions Code, which states, "Division 13 (commencing with Section 21000) of the Public Resources Code does not apply to the adoption of an ordinance, rule, or regulation by a local jurisdiction that requires discretionary review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity."

2. The Precise Plan Amendments, attached hereto as Exhibit A, have been reviewed and approved by the City Council and are hereby adopted. The effective date of this resolution shall be the same as the effective date of the City's ordinances amending the Cannabis Regulations.

TIME FOR JUDICIAL REVIEW:

The time within which judicial review of this document must be sought is governed by California Code of Procedure Section 1094.6 as established by Resolution No. 13850 adopted by the City Council on August 9, 1983.

The foregoing Resolution was regularly introduced and adopted at a Special Meeting of the City Council of the City of Mountain View, duly held on the 23rd day of May 2019, by the following vote:

AYES: Councilmembers Clark, Hicks, Kamei, McAlister, Vice Mayor Abe-Koga, and Mayor Matichak

NOES: None

RECUSED: Councilmember Ramirez

ABSENT: None

ATTEST:

APPROVED:



LISA NATUSCH
CITY CLERK



LISA MATICHAK
MAYOR

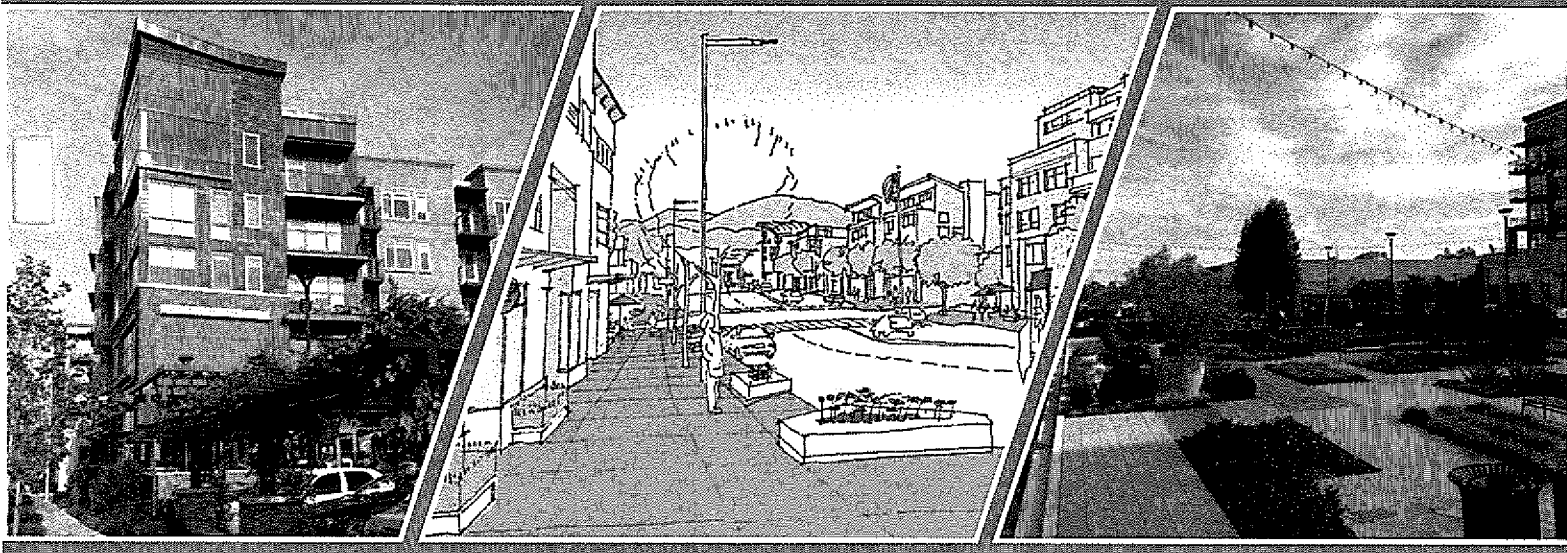
I do hereby certify that the foregoing Resolution was passed and adopted by the City Council of the City of Mountain View at a Special Meeting held on the 23rd day of May 2019, by the foregoing vote.



City Clerk
City of Mountain View

CB/5/RESO
891-05-23-19r

Exhibit: A. P-40 (San Antonio) Precise Plan Amendments

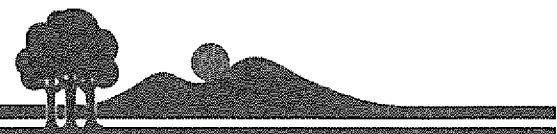


SAN ANTONIO PRECISE PLAN



CITY OF MOUNTAIN VIEW

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ACKNOWLEDGEMENTS

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SAN ANTONIO PRECISE PLAN

ADOPTED BY THE MOUNTAIN VIEW CITY COUNCIL

DECEMBER 2, 2014

EFFECTIVE DATE: JANUARY 8, 2015

RESOLUTION NO. 17924

<u>AMENDED</u>	<u>RESOLUTION NO.</u>	<u>SUMMARY</u>
October 2, 2018	18248	Designate cannabis businesses as a land use.

A. LAND USE STANDARDS

The following section provides specific land use regulations for the Mixed Use Center and the Mixed Use Corridor subareas. In general, if a use is not listed as permitted or provisionally permitted in Table 4-1, it is considered prohibited. Additional land use requirements, including prohibited uses, are identified after Table 4-1. Related standards and guidelines for locations where active spaces are required are described later in this section.

General Land Uses

The following land uses are allowed in the Precise Plan Area. Definitions of uses can be found in the City of Mountain View's Zoning Ordinance (Chapter 36).

- **Permitted Uses (P)** do not require discretionary review permits if a project complies with other provisions of this Plan and applicable City codes.
- **Provisional Uses (PUP)** require approval of a provisional use permit as defined by the City's Zoning Ordinance.

TABLE 4-1 Allowed Land Uses

LAND USE	PERMIT REQUIREMENT BY SUBAREA AND FRONTAGE TYPE		
	Mixed Use Center	Mixed Use Corridor	Ground-Floor Active Space*
MANUFACTURING AND PROCESSING			
Recycling — Reverse Vending Machines & Small Facilities	PUP	PUP	
RECREATION, EDUCATION, PUBLIC ASSEMBLY			
Child Day-Care Facilities	PUP	PUP	
Churches		PUP	PUP
Community Centers	PUP	PUP	
Indoor Recreation and Fitness Centers	PUP ¹	P	PUP/P
Libraries and Museums	PUP	PUP	PUP
Membership Organization Facilities & Meeting Halls		PUP	PUP
Outdoor Commercial Recreation	PUP	PUP	PUP
Pool and Billiard Rooms	PUP	PUP	PUP
Schools (Public and Private)	PUP	PUP	PUP
Schools (specialized education and training)	PUP	PUP	PUP
Studios (Dance, Art, Music, Photography, Martial Arts, etc.)	P	P	P
Theaters	PUP	PUP	PUP

* Allowed land uses where ground-floor "Active Space" is required, per Figure 4-2.

¹ Indoor recreation and fitness centers accessory to the primary use (residential, hotel, etc.) are permitted.

TABLE 4-1 Allowed Land Uses (cont.)

LAND USE	PERMIT REQUIREMENT BY SUBAREA AND FRONTAGE TYPE		
	Mixed Use Center	Mixed Use Corridor	Ground-Floor Active Space*
RESIDENTIAL			
Efficiency Studios	P	PUP	PUP
Live/Work Housing	PUP	P	PUP
Multiple-Family Housing (rental and ownership)	P	P	PUP ²
Mixed-Use Commercial/Housing	P	P	P
Residential Accessory Uses and Structures	P	P	PUP
Rooftop amenities above 3 rd Floor	PUP	PUP	
Rowhouses and Townhouses		PUP	
Senior Care Facility	PUP	PUP	PUP ²
Supportive and Transitional Housing	P	P	PUP ²
RETAIL TRADE			
Accessory Retail Uses	P	P	P
Bars and Drinking Places	PUP	PUP	PUP
Building Material Stores ³	PUP	PUP	PUP
Certified Farmer's Markets	P ⁴	PUP	
Cannabis Business, Storefront Retail	PUP	PUP	PUP
Furniture, Furnishings, and Home Equipment Stores	P	P	P
Grocery Stores	P	P	P
Liquor Stores	PUP	P	PUP/P
Outdoor Merchandise and Activities ⁵	PUP	PUP	PUP
Restaurants Serving Liquor (w/ entertainment)	PUP	PUP	PUP
Restaurants Serving Liquor (w/out entertainment)	P	P	P
Restaurants (with or without beer and wine)	P	P	P
Retail Food Establishment	P	P	P
Retail Stores, General Merchandise	P	P	P

* Allowed land uses where ground-floor "Active Space" is required, per Figure 4-2.

2. Limited ground-floor office and residential uses may be considered in portions of required "active space" frontages, when permitted uses are not feasible.

3. This excludes prohibited large-scale, warehouse-type building material and/or lumber stores (see page 73).

4. PUP required along El Camino Real.

5. "Accessory outdoor merchandise" may be permitted (see land use requirements on page 73).

TABLE 4-1 Allowed Land Uses

LAND USE	PERMIT REQUIREMENT BY SUBAREA AND FRONTAGE TYPE		
	Mixed Use Center	Mixed Use Corridor	Ground-Floor Active Space*
Shopping Centers	P	PUP	P/PUP
SERVICES			
Animal Service Establishments	PUP	PUP	
Automatic Teller Machines (ATMs)	PUP	P	PUP/P
Banks and Financial Services	PUP	P	PUP/P
Business Support Services	PUP	P	PUP
Cemeteries, Columbariums and Mortuaries		PUP	
Commercial or Off-site Parking	PUP	PUP	
Hotels and Motels	PUP	PUP	PUP
Hotel Accessory Uses and Structures	PUP	PUP	PUP
Medical Services — < 3,000 square feet	PUP	P	PUP/P
Medical Service — 3,000 to 20,000 square feet	PUP	PUP	PUP
Offices — General	PUP	PUP	PUP ²
Offices — Administrative and Executive	PUP	PUP	PUP ²
Offices — Research and Development	PUP	PUP	PUP ²
Personal Services	P	P	P
Public Safety and Utility Facilities	P	PUP	
Repair and Maintenance — Consumer Products		P	P
Repair and Maintenance — Vehicle, Minor Work		PUP	
Service Stations		PUP	
Storage, Accessory	P	P	
TRANSPORTATION AND COMMUNICATIONS			
Pipelines and Utility Lines	P	P	
Transit Stations and Terminals	P	PUP	PUP
OTHER USES			

* Allowed land uses where ground-floor "Active Space" is required, per Figure 4-2.

2. Limited ground-floor office and residential uses may be considered in portions of required "active space" frontages, when permitted uses are not feasible.

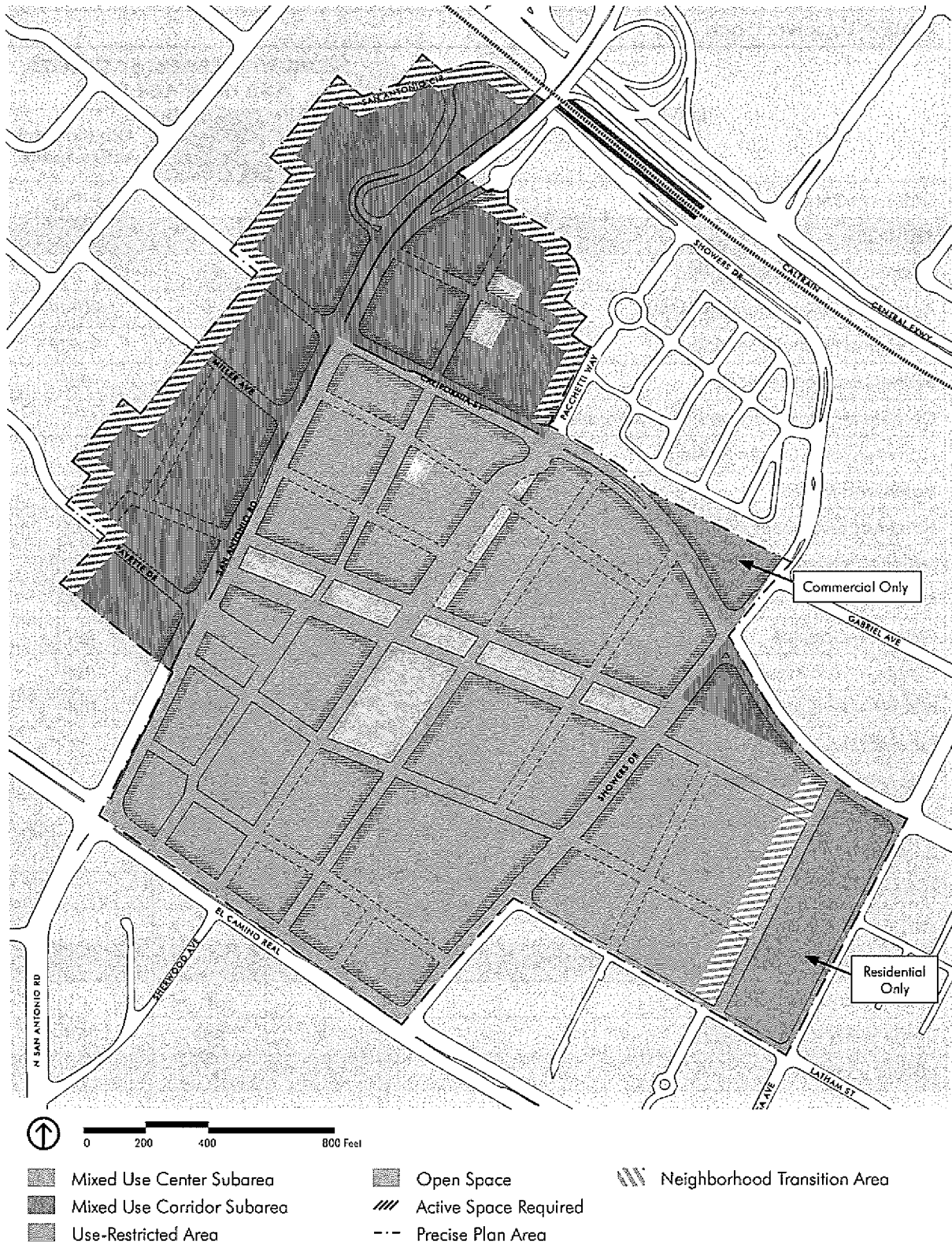


FIGURE 4-2 San Antonio Precise Plan Land Use Subareas

Active Space Standards and Guidelines

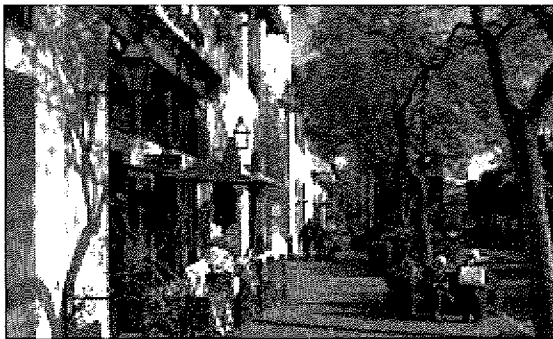
Standards

Active space is ground-level interior or exterior space required in portions of buildings along the streets and connections identified in Figure 4-2. Table 4-1 identifies the land uses considered to be active space. Interior active spaces typically include retail or restaurant uses, but may also include hotel lobbies; amenity areas, such as leasing offices, community spaces, lounges or gyms; and office space with design elements to enhance the pedestrian environment. Exterior active spaces enhance the pedestrian realm by providing exterior amenities, such as community open spaces and plazas, stoops or front entries to residential units, or outdoor dining areas.

Active spaces must integrate with required public Walk and Amenity Zones (See Chapter 3), by incorporating design treatments such as transparency, pedestrian access and bicycle amenities. Table 4-2 provides general guidelines on what qualifies as interior and exterior active space. Minimum interior heights to support interior active uses are specified in Table 4-5.



Building at frontage line with recessed active space.



Restaurant with fenestration and outdoor seating space.

Guidelines

TABLE 4-2 Permitted Active Space Types

EXTERIOR SPACES

Public open spaces, landscaping & plazas
Stoops or pedestrian entries
Outdoor dining areas
Amenity areas with seating, bicycle parking, etc.

INTERIOR SPACES

Retail and restaurants with transparent storefronts.
Services and educational/cultural spaces that have regular customer foot traffic and transparent storefronts.
Hotel lobbies or residential amenity areas with transparent storefronts.

Where ground-floor active space is required, a majority of the linear façade of a building should be built within 10 feet from the front setback line (see Building Frontage Guidelines on page 86). This ensures a relatively consistent street wall is built and improves the pedestrian experience. Required active spaces should include building design, exterior amenity areas and/or interior uses to activate adjacent pedestrian frontages, including a target of:

- 100 percent of building frontage facing required active space on Major Public Streets (except El Camino Real) and Greenways.
- 75 percent of building frontage facing required active spaces on El Camino Real and Main Internal Streets.
- No minimum along Flexible Connections, however active space may be required for building area on Flexible Connections that provide new primary pedestrian routes or face publicly-accessible open space.
- Streets without required active space have no minimum percentage, but are encouraged to include design features to activate street frontages.

Active spaces must integrate with required public pathways (see Chapter 3) by incorporating design treatments such as transparent storefronts, pedestrian access and bicycle amenities. The majority of each active space façade should have clear visibility into and out of the space.

Clear windows and openings satisfy this requirement, while films, mirrored glass, and spandrel glass do not.

Other Land Use Requirements

The following additional land use requirements supplement or modify the general land uses allowed in Table 4-1.

- **Priority land uses.** See Subarea and Master Plan sections in Chapter 2 for description of priority land uses.
- **Required active space locations.** Includes retail, residential, office, hotel, and open space uses. See Table 4-1 and 4-2 for the types of uses.
- **Office uses.** Office uses are provisionally allowed in the Plan Area. However, enclosed-campus office environments are prohibited.
- **Residential accessory structures and uses.** These residential uses may be allowed in required ground-floor active spaces, and include leasing offices, lounges, fitness rooms and other uses that are compatible with the purpose and intent of these areas. The location, quantity, type and design of these structures and uses will be evaluated through the development review process.
- **Other residential uses.** Other uses within legal dwelling units may be permitted or provisional uses, depending on the type of unit and characteristics of the use. These uses may include home occupations, small- and large-family child day care, residential care homes and rooming and boarding. Permit requirements in the Zoning Ordinance for the R3 zoning district and/or specific land use requirements shall apply to these uses.
- **Outdoor dining, displays and merchandise.** Outdoor dining, display and limited merchandise areas are permitted when associated with a use that is primarily indoors. Site design, structures, furnishings, etc., are subject to development review, and additional parking requirements may apply. Designated areas shall maintain a minimum eight-foot wide clear sidewalk area and minimum eight-foot vertical clearance. Outdoor dining and display areas shall also keep building entrances clear and unimpeded for building access. Merchandise shall be taken indoors at the close of each business day.
- **Temporary uses.** Special outdoor and seasonal product sales, including certified farmers markets, are considered temporary uses and shall comply with temporary use permit requirements in the Zoning Ordinance.
- **Use restricted areas.** While the majority of the Plan Area permits vertically-integrated mixed-use development, there are locations where either residential or commercial uses are prohibited, as noted in Figure 4-2). Special standards for these locations are provided in Section B of this Chapter.
- **Nonconforming uses and structures.** Nonconforming uses and structures do not comply with Plan requirements, but were generally developed under prior zoning regulations. It is the intent of the Plan to allow these existing uses and structures to remain, except when new construction or major expansions are proposed. Chapter 5 identifies the public hearing process for any request for alteration, replacement, expansion and/or changes in use for non-conforming uses and structures.
- **Prohibited uses in the Mixed Use Center subarea.** The following uses are specifically prohibited:
 - **All drive-through or drive-up operations.** This includes operations where food or other products or services may be purchased by motorists without leaving their vehicles, such as drive-through restaurants, drive-up teller windows in banks and drive-up oil changing facilities, etc. This does not include automatic teller machines (ATMs).
 - **Outdoor vending machines.** Vending machines such as those dispensing sodas, snacks, movie rentals and cigarettes may only be allowed as an accessory use within a fully enclosed building. This prohibition does not apply to reverse vending recycling redemption centers.
 - **Large-scale, warehouse-style building material and/or lumber stores.** These stores are wholesale or retail establishments selling lumber and/or other construction materials and building supplies as their primary use.
 - **Auto-oriented uses.** This includes service stations and repair garages (major and minor automobile repair).